

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SCOTT COALWELL,

Defendant.

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**CAUSE NUMBER:
SA- 17-CR-0746(1)-DAE**

ORDER REGARDING DEFENDANT’S COMPETENCY

On October 10, 2019, the Court held a competency hearing pursuant to 18 U.S.C. § 4247(d), at which Defendant, his counsel, and counsel for the Government appeared. Previously, the District Court had referred the instant action to the undersigned [#134] to conduct a competency hearing in light of the forensic psychologist’s report [#132] that the Court received from the Bureau of Prisons.

A defendant is competent if he “has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding—and whether he has rational as well as factual understanding of the proceedings against him.” *Dusky v. United States*, 362 U.S. 402, 402 (1960). The Court must determine whether a preponderance of the evidence establishes that Defendant is competent. *See* 18 U.S.C. § 4241(d). The forensic examiner’s report concluded that Defendant meets the *Dusky* competency standard. (Report [#132], at 16.) At the hearing, counsel for Defendant stated that he had discussed the report and its conclusion with his client, and that although his client did not agree with all the report’s contents, he does concur that he is competent to proceed to trial. The Court also asked Defendant directly, and he stated that he agreed he meets the standard and is competent to proceed to trial. The parties also agreed on the record that the matter of Defendant’s detention is moot. Thus,

IT IS THEREFORE ORDERED that Defendant is **DEEMED COMPETENT** and the case is **RETURNED** to the District Court for further proceedings.

IT IS SO ORDERED.

SIGNED this 10th day of October, 2019.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE